



PATENT
Customer No. 22,852
Attorney Docket No. 04329.2437-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Shinichi ITO et al.) Group Art Unit: 1762
Application No.: 10/697,436) Examiner: Bareford, Katherine A.
Filed: October 31, 2003) Confirmation No.: 7730
For: METHOD FOR FORMING A LIQUID)
FILM ON A SUBSTRATE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Kabushiki Kaisha Toshiba, duly organized under the laws of Japan and having its principal place of business at 72 Horikawa-cho, Saiwai-ku, Kawsaki-shi, Japan, represents that it is the assignee of the entire right, title and interest in and to the instant application, Application No. 10/697,436, filed October 31, 2003, for METHOD FOR FORMING A LIQUID FILM ON A SUBSTRATE in the name of Shinichi ITO and Tatsuhiko EMA, the assignment duly recorded in the United States Patent and Trademark Office at Reel 011456, Frame 0712 on January 17, 2001. Assignee, Kabushiki Kaisha Toshiba, further represents that it is the assignee of the entire right, title and interest in and to Application No. 10/697,260, as indicated by the assignment duly recorded in the United States Patent and Trademark Office at Reel 011456, Frame 0712 on January 17, 2001. Present Application No. 10/697,436 and Application No.

10/697,260 are both divisional applications of Application No. 10/144,028, filed May 14, 2002, now U.S. Patent No. 6,669,982, which is a division of Application No. 09/669,725, filed September 26, 2000, now U.S. Patent No. 6,410,080, so the same recorded assignment serves for both the present application, copending Application No. 10/697,260 and the issued patents. M.P.E.P. § 306.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted on copending Application No. 10/697,260. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on copending Application No. 10/697,260, as presently shortened by any terminal disclaimer, in the event that such patent granted on Application No. 10/697,260 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination

certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 22, 2005

By: 
E. Robert Yoches
Reg. No. 30,120